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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,323	02/19/2002	Paul Thomas Schultz	09710-1096	2859

7590            05/20/2004

WORLDCOM, Inc.  
Technology Law Department  
1133 19TH ST, NW  
WASHINGTON, DC 20036

EXAMINER
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AZAD, ABUL K

ART UNIT	PAPER NUMBER
2654	2

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/076,323	SCHULTZ, PAUL THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	ABUL K. AZAD	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 February 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,7-12,16,17,19 and 20 is/are rejected.
- 7) Claim(s) 4-6,13-15 and 21-23 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. Claims 1-23 are pending in this Office Action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jonsson et al. (US 6,208,959).

As per claim 1, Jonsson teaches, “a method of communicating information to a human user”, comprising:

“providing the information in groups” (col. 9, lines 9-43, “command” as “information in groups”); and

“sending at least one group of the information as a voice transmission with a tonality unique to the at least one group that distinguishes the at least one group from others of the groups” (col. 9, lines 44-56, corresponding predefined speech symbols has a tonality).

As per claim 9, it is interpreted and thus rejected for the same reasons set forth in the rejection of claims 1.

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As per claim 2, Jonsson teaches, "providing a tonality fundamental pitch that is unique for each of the groups" (col. 9, lines 44-67, each formant frequency has fundamental pitch).

As per claim 10, Jonsson teaches, "means for responding to and recognizing user commands for navigation of the groups of the information and said means for receiving and recognizing together with said means sending from a two way user interface" (col. 10, lines 4-34)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, 8, 11, 12, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson et al. (US 6,208,959) in view of Ohta (US 5,703,311).

As per claim 3, Jonsson teaches, "preceding successive groups of the information respectively by a tone unique to each group" (col. 9, lines 9-65), Jonsson does not explicitly teach, "with the tones of the groups being a musical progression of tones of a musical key and starting the musical progression with the tonic tone of the musical key". However, Ohta teaches, "with the tones of the groups being a

musical progression of tones of a musical key and starting the musical progression with the tonic tone of the musical key" (col. 4, lines 10-52, formant tone generator).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an instrument as teaches by Ohta to map symbol into a formant frequency in the invention of Jonsson because Ohta teaches voice are synthesis without requiring high performance of calculations while tone-color editing performed to smoothly change voices to music tones (col. 2, lines 44-54).

As per claim 7, Jonsson teaches, "receiving and recognizing user voice commands for navigation of the groups of the information" (col. 9, lines 20-23).

As per claim 8, Jonsson teaches, "receiving and recognizing user tone commands for navigation of the groups of the information" (col. 9, lines 20-23).

As per claims 11, 12, 16, 17, 19 and 20 they are interpreted and thus rejected for the same reasons set for in the rejection of claims 3, 7 and 8.

#### ***Allowable Subject Matter***

6. Claims 4-6, 13-15, 18 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Or faxed to:

**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office at telephone number **(703) 306-0377**.



Abul K. Azad

May 15, 2004